

8

**Notice of Allowability**

Application No.

09/726,000

Examiner

Wei Y. Zhen

Applicant(s)

BOURKE-DUNPHY ET AL.

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 7/11/2005.
2. ☒ The allowed claim(s) is/are 2-8, 11-16 and 19-32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Art Unit: 2191

1. This office action is in response to the amendment filed on 7/11/2005.
2. Claims 2-8, 11-16, 19-32 are allowed.

### **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael J. Medley, Reg. No. 57,058. The amendment was made to cancel claims 17-18 which are dependent claims of canceled claim 9.

The application has been amended as follows:

In the claim:

Please cancel claims 17-18.

### ***Reasons for allowance***

4. The following is an examiner's statement of reasons for allowance: the cited prior arts taken alone or in combination fail to disclose, in combination with other claimed limitations, a service pack installation component to selectively install at least one service pack associated with at least one application component according to the desired setup information and the dependency information, wherein the dependency information comprises information indicative of whether an application residing in the computer system requires the at least one service pack,

Art Unit: 2191

wherein the setup information comprises information indicative of whether at least one application upgrade component is to be installed, and wherein the service pack installation component selectively installs the at least one service pack if the dependency information indicates that the application residing in the computer system requires the at least one service pack and the setup information indicates that the at least one application upgrade component is not to be installed as recited in independent claim 2; the cited prior arts taken alone or in combination fail to disclose, in combination with other claimed limitations, selectively installing at least one service pack associated with at least one application component according to the desired setup information and the dependency information, wherein selectively installing the at least one service pack comprises installing the at least one service pack if the at least one application component is installed in the computer system, if the at least one application component requires the at least one service pack, and if the desired setup information indicates that an application upgrade component associated with the at least one application component is not to be installed as recited in independent claim 11; the cited prior arts taken alone or in combination fail to disclose, in combination with other claimed limitations, installing a service pack associated with a software component residing in the computer system if the software component requires the service pack and if the desired setup information indicates that an upgrade component corresponding to the software component is not to be installed as recited in independent claim 22; the cited prior arts taken alone or in combination fail to disclose, in combination with other claimed limitations, installing a service pack associated with an application residing in the computer system if the application requires the service pack and if the

Art Unit: 2191

desired setup information indicates that an upgrade component corresponding to the application is not to be installed as recited in independent claims 27 and 30.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

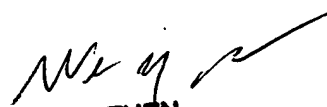
***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wei Y. Zhen whose telephone number is (571) 272-3708. The examiner can normally be reached on Monday-Friday, 8 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wei Zhen

  
**WEI Y. ZHEN**  
**PRIMARY EXAMINER**